

806 KAR 13:150. Property and casualty rate and rule filings.

RELATES TO: KRS 304.1-010, 304.1-050, 304.4-010(2), 304.13-011, 304.13-031, 304.13-051, 304.13-061, 304.13-081, 304.21-010, 304.22-020, 304.23-010

STATUTORY AUTHORITY: KRS 304.2-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the executive director to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code, defined in KRS 304.1-010. This administrative regulation establishes rate and rule filing procedures for property, casualty, surety, title, and mortgage guaranty insurance.

Section 1. Definitions. (1) "Executive director" is defined in KRS 304.1-050(1).

(2) "Loss cost" means the loss cost per unit of exposure excluding all loss adjustment expenses.

(3) "Office" is defined in KRS 304.1-050(2).

(4) "Rate" is defined in KRS 304.13-011(22).

(5) "Supplementary rating information" is defined in KRS 304.13-011(2).

Section 2. (1)(a) Paper filings shall include two (2) full document sets, on 8 1/2" x 11" white paper, with three (3) copies of Form PC TD-1, "Property & Casualty Transmittal Document" and a self-addressed stamped envelope.

(b) Section 12(1)(f) through (nn) of this administrative regulation shall be used, as appropriate, for guidance in conjunction with filing the Form PC TD-1, "Property & Casualty Transmittal Document".

(2) A property and casualty insurance company, advisory organization, or statistical agent may file a rate or supplementary rating information on the commissioner's electronic system for rate and form filings via the Web site www.serff.com. An electronic filing shall be in lieu of a paper filing.

Section 3. (1) Every insurer, other than life or health insurers, required by law or licensed advisory organization, or statistical agent permitted by law to file rates, loss costs, supplementary rating information, statistical plans, advertising and sales materials, or other documents shall file with these documents a completed and signed Form PC TD-1, "Property and Casualty Transmittal Document."

(2) If the filing is being made by a third party, a signed letter of authorization from the insurer shall be submitted.

Section 4. (1) A filing may include any number of documents, filed together on a particular date, pertaining to a single type of insurance from the "Uniform Property and Casualty Product Coding Matrix".

(2) Rates, loss costs, and supplementary rating information shall be filed separately from forms.

Section 5. All rate, loss cost, or supplementary rating information filings shall be accompanied by Form PC RRFS-1. "Rate/Ruling Filing Schedule."

Section 6. (1)(a) Rate filings referencing loss costs formulated by an advisory organization shall be accompanied by Form LC-1 P & C, "Calculation of Loss Cost Multiplier".

(b) A rate filing referencing loss costs formulated by an advisory organization in which an

expense constant is used shall be accompanied by Form LC-2 P & C, "Expense Constant Supplement", Calculation of Loss Cost Multiplier.

(2) A rate filing to which this section applies shall include separate Forms LC-1 P & C; Calculation of Loss Cost Multiplier; and LC-2 P&C; Expense Constant Supplement, Calculation of Loss Cost Multiplier for each company included in the filing.

Section 7. (1)(a) An insurer filing rates or supplement rating information regarding personal automobile insurance shall submit premium comparison information on-line via the Office of Insurance Web site if any rate or supplementary rating information change impacts the premium information previously submitted.

(b) If there is not an impact to premium information previously submitted, an explanatory statement shall be included in Form PC TD-1, "Property and Casualty Transmittal Document."

(2)(a) An insurer filing rates or supplemental rating information regarding homeowners' insurance shall submit premium comparison information on-line via the Office of Insurance Web site if any rate or supplementary rating information change impacts the premium information previously submitted.

(b) If there is not an impact to premium information previously submitted on-line, an explanatory statement shall be included in Form PC TD-1 "Property and Casualty Transmittal Document."

(3) A filing to which this section applies shall include a separate premium comparison information for each company included in the filing.

Section 8. (1) A property and casualty rate or supplementary rating information filing may include rates or supplementary rating information for a particular insurance company or group of insurance companies.

(2) If the filing is made for a group of insurance companies, Form PC TD-1, "Property and Casualty Transmittal Document" shall identify all companies included in the filing.

Section 9. (1) Filing fees shall be paid on a per company basis.

(2) Pursuant to KRS 304.4-010(2), all fees and charges payable under the insurance code are required to be collected in advance.

(3) The period of time in which the executive director may affirmatively approve or disapprove the filing shall not begin to run until both the complete filing and appropriate fee are received by the office.

Section 10. (1) An insurer that is a member, subscriber, or service purchaser of an advisory organization or statistical agent may choose to adopt all or some of the loss costs, supplementary rating information, or statistical plans of that advisory organization or statistical agent.

(2) If an insurer chooses to adopt only a specific filing of an advisory organization or statistical agent, it shall do so in accordance with the procedures established in this administrative regulation, and shall clearly identify which filing of the advisory organization or statistical agent it is adopting.

(3)(a) If an insurer chooses to adopt all of the current and future loss costs, supplementary rating information, or statistical plans of an advisory organization or statistical agent, it shall:

1. Provide written authorization to the advisory organization or statistical agent to notify the executive director that the insurance company shall adopt all of the loss costs, supplementary rating information, or statistical plans that the advisory organization or statistical agent files on its behalf; or

2. File written notice with the executive director that the insurer is adopting by reference all

of the current and future loss costs, supplementary rating information, or statistical plans that the advisory organization or statistical agent files.

(b)1. If required by law to file its rates, an insurer may file a loss cost multiplier, in accordance with this section and Sections 2 through 9 of this administrative regulation, to adopt the prospective loss costs filed by an advisory organization.

2. The insurer shall:

a. Apply its loss cost multiplier to a specific loss cost filing; or

b. Elect to have its multiplier apply to all future loss costs filed by the advisory organization.

(c)1. The advisory organization or statistical agent shall file the written notice of authorization referred to in paragraphs (a) and (b) of this subsection with the executive director and shall pay the appropriate fee, pursuant to KRS 304.4-010 and 806 KAR 4:010.

2. The fee shall be paid for each company sending a written authorization and on the basis of each line of insurance.

(d)1. If an insurer that previously authorized an advisory organization or statistical agent to file loss costs, supplementary rating information, or statistical plans on its behalf chooses to not adopt certain loss costs, supplementary rating information, or statistical plans as filed on its behalf by the advisory organization or statistical agent, or changes its loss cost multiplier, the insurer shall file a notice of the nonadoption or change of its loss cost multiplier with the executive director and shall pay the appropriate filing fee, pursuant to KRS 304.4-010 and 806 KAR 4:010.

2.a. If an insurer chooses to delay the effective date of its adoption of an advisory organization or statistical agent filing, it shall submit a letter requesting the revised date upon which it will adopt the filing.

b. The delayed adoption date shall be within six (6) months of the original effective date.

c. If additional time is needed, a second letter shall be submitted, requesting a revised delayed adoption date.

d. All revised delayed adoption dates shall be within one (1) year of the original effective date as filed by the advisory organization or statistical agent.

3. If an insurer fails to adopt the advisory organization or statistical agent filing within one (1) year of the original effective date as filed by the advisory organization or statistical agent, the insurer shall submit a filing indicating it is not adopting.

Section 11. A property and casualty insurance company, advisory organization and statistical agent may file its prospective loss cost or rate on the commissioners' electronic system for rate and form filings via the Web site www.serff.com. An electronic filing shall substitute for any physical filing.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Uniform Property and Casualty Product Coding Matrix", (March 1, 2007);

(b) Form PC TD-1, "Property and Casualty Transmittal Document", (March 1, 2007);

(c) Form PC RRFS-1, "Rate/Rule Filing Schedule", (March 1, 2007);

(d) LC-1 P&C, "Calculation of Loss Cost Multiplier", (October 2007);

(e) LC-2 P&C, "Expense Constant Supplement, Calculation of Loss Cost Multiplier with Expense Constant", (October 2007);

(f) "Kentucky Office of Insurance Review Requirements Checklist, Auto Guaranty and Home Warranty", (2nd Edition, 2/2008);

(g) "Kentucky Office of Insurance Review Requirements Checklist, Motor Vehicle Extended Warranty Reimbursement Insurance", (2nd Edition, 2/2008);

- (h) "Kentucky Office of Insurance Review Requirements Checklist, Aviation", (2nd Edition, 02/2008);
- (i) "Kentucky Office of Insurance Review Requirements Checklist, Boatowners", (2nd Edition, 02/2008);
- (j) "Kentucky Office of Insurance Review Requirements Checklist, Boiler & Machinery (Equipment Breakdown)", (2nd Edition, 02/2008);
- (k) "Kentucky Office of Insurance Review Requirements Checklist, Commercial Auto", (2nd Edition, 02/2008);
- (l) "Kentucky Office of Insurance Review Requirements Checklist, Commercial Farm", (2nd Edition, 02/2008);
- (m) "Kentucky Office of Insurance Review Requirements Checklist, Commercial General Liability", (2nd Edition, 02/2008);
- (n) "Kentucky Office of Insurance Review Requirements Checklist, Commercial Inland Marine", (2nd Edition, 02/2008);
- (o) "Kentucky Office of Insurance Review Requirements Checklist, Commercial Property", (2nd Edition, 2/2008);
- (p) "Kentucky Office of Insurance Review Requirements Checklist, Commercial Umbrella (Excess Liability)", (2nd Edition, 02/2008);
- (q) "Kentucky Office of Insurance Review Requirements Checklist, Credit (Vendor Single/Dual Interest; Unemployment/Layoff; Collateral Protection; Property; GAP)", (2nd Edition, 2/2008);
- (r) "Kentucky Office of Insurance Review Requirements Checklist, Crime", (2nd Edition 2/2008);
- (s) "Kentucky Office of Insurance Review Requirements Checklist, Crop", (2nd Edition, 2/2008);
- (t) "Kentucky Office of Insurance Review Requirements Checklist, Earthquake (monoline)", (2nd Edition, Revised 2/2008);
- (u) "Kentucky Office of Insurance Review Requirements Checklist, Employment Practices Liability", (2nd Edition, Revised 2/2008);
- (v) "Kentucky Office of Insurance Review Requirements Checklist, Flood (monoline)", (2nd Edition, Revised 2/2008);
- (w) "Kentucky Office of Insurance Review Requirements Checklist, Glass (Monoline)", (2nd Edition, Revised 2/2008);
- (x) "Kentucky Office of Insurance Review Requirements Checklist, Livestock, Equine and Pet Insurance", (2nd Edition, 2/2008);
- (y) "Kentucky Office of Insurance Review Requirements Checklist, Medical Professional Liability (Physicians & Dentists; Hospital & Health Facilities; Other Medical)", (2nd Edition, 2/2008);
- (z) "Kentucky Office of Insurance Review Requirements Checklist, Mortgage Guaranty", (2nd Edition, 2/2008);
- (aa) "Kentucky Office of Insurance Review Requirements Checklist, Motorcycle", (2nd Edition, 2/2008);
- (bb) "Kentucky Office of Insurance Review Requirements Checklist, Motor Home", (2nd Edition, 2/2008);
- (cc) "Kentucky Office of Insurance Review Requirements Checklist, Personal Dwelling, Homeowners, Mobile homeowners, and Farm owners including primary residence)", (2nd Edition, Revised 2/2008);
- (dd) "Kentucky Office of Insurance Review Requirements Checklist, Personal General Liability and Personal Umbrella/Excess", (2nd Edition, Revised 2/2008);

(ee) "Kentucky Office of Insurance Review Requirements Checklist, Personal Inland Marine and Recreational Vehicle not requiring vehicle registration", (2nd Edition, Revised 2/2008);

(ff) "Kentucky Office of Insurance Review Requirements Checklist, Personal Auto", (2nd edition, Revised 2/2008);

(gg) "Kentucky Office of Insurance Review Requirements Checklist, Pollution Legal Liability (Environmental Legal Liability)", (2nd Edition, 2/2008);

(hh) "Kentucky Office of Insurance Review Requirements Checklist, Professional Liability (Directors & Officers; Physicians & Dentists; Other Medical Personnel;) (Misc. Professional; Lawyers; Hospital & Health Facilities)", (2nd Edition, 2/2008);

(ii) "Kentucky Office of Insurance Review Requirements Checklist, Service Contract Reimbursement Insurance", (2nd Edition, 2/2008);

(jj) "Kentucky Office of Insurance Review Requirements Checklist, Stop Loss//Excess of Loss (Self-Funded--Workers' Compensation; HMO & Managed Care; General Liability; Professional Liability & Misc. Stop Loss) {Stop loss for Self-Funded Health Plans must be filed with the Health Division of KOI even if the filer holds a P&C Certificate of Authority}", (2nd Edition, 2/2008);

(kk) "Kentucky Office of Insurance Review Requirements Checklist, Surety (Fidelity, Suretyship and Financial Institution Bonds)", (2nd Edition 2/2008);

(ll) "Kentucky Office of Insurance Review Requirements Checklist, Title", (2nd Edition, 2/2008);

(mm) "Kentucky Office of Insurance Review Requirements Checklist, Travel & Accident", (2nd Edition, 2/2008); and

(nn) "Kentucky Office of Insurance Review Requirements Checklist, Workers' Compensation", (2nd Edition, 2/2008).

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